

MESSAGE NO: 4362201

MESSAGE DATE: 12/27/2004

MESSAGE STATUS: Active

CATEGORY: Antidumping

TYPE: FIN-Final Determination PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE:

FR CITE: FR

FR CITE DATE:

REFERENCE  
MESSAGE #  
(s):

CASE #(s): A-351-838

EFFECTIVE DATE:

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED: 12/23/2004 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: NOTICE OF FINAL DETERMINATION IN THE ANTIDUMPING DUTY INVESTIGATION  
OF CERTAIN FROZEN AND CANNED WARMWATER SHRIMP FROM BRAZIL (A-351-838)

MESSAGE NO: 4362201

DATE: 12 27 2004

CATEGORY: ADA

TYPE: FIN

REFERENCE:

REFERENCE DATE:

CASES: A - 351 - 838

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PERIOD COVERED: 12 23 2004 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS  
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: NOTICE OF FINAL DETERMINATION IN THE ANTIDUMPING DUTY  
INVESTIGATION OF CERTAIN FROZEN AND CANNED WARMWATER  
SHRIMP FROM BRAZIL (A-351-838)

1. ON DECEMBER 23, 2004, THE DEPARTMENT OF COMMERCE WILL PUBLISH  
IN THE FEDERAL REGISTER ITS FINAL DETERMINATION OF SALES AT LESS  
THAN FAIR VALUE IN THE ANTIDUMPING DUTY INVESTIGATION OF CERTAIN  
FROZEN AND CANNED WARMWATER SHRIMP FROM BRAZIL.

2. THE SCOPE OF THIS INVESTIGATION INCLUDES CERTAIN WARMWATER  
SHRIMP AND PRAWNS, WHETHER FROZEN OR CANNED, WILD-CAUGHT (OCEAN  
HARVESTED) OR FARM-RAISED (PRODUCED BY AQUACULTURE), HEAD-ON OR  
HEAD-OFF, SHELL-ON OR PEELED, TAIL-ON OR TAIL-OFF (INCLUDING THE

TELSON AND THE UROPODS), DEVEINED OR NOT DEVEINED, COOKED OR RAW, OR OTHERWISE PROCESSED IN FROZEN OR CANNED FORM.

THE FROZEN OR CANNED WARMWATER SHRIMP AND PRAWN PRODUCTS INCLUDED

IN THE SCOPE OF THE INVESTIGATION, REGARDLESS OF DEFINITIONS IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS), ARE PRODUCTS WHICH ARE PROCESSED FROM WARMWATER SHRIMP AND PRAWNS THROUGH EITHER FREEZING OR CANNING AND WHICH ARE SOLD IN ANY COUNT SIZE.

THE PRODUCTS DESCRIBED ABOVE MAY BE PROCESSED FROM ANY SPECIES OF

WARMWATER SHRIMP AND PRAWNS. WARMWATER SHRIMP AND PRAWNS ARE

GENERALLY CLASSIFIED IN, BUT ARE NOT LIMITED TO, THE PENAEIDAE FAMILY. SOME EXAMPLES OF THE FARMED AND WILD-CAUGHT WARMWATER SPECIES INCLUDE, BUT ARE NOT LIMITED TO, WHITELEG SHRIMP (PENAEUS VANNAMEI), BANANA PRAWN (PENAEUS MERGUIENSIS), FLESHY PRAWN (PENAEUS CHINENSIS), GIANT RIVER PRAWN (MACROBRACHIUM ROSENBERGII), GIANT TIGER PRAWN (PENAEUS MONODON), REDSPOTTED SHRIMP (PENAEUS BRASILIENSIS), SOUTHERN BROWN SHRIMP (PENAEUS SUBTILIS), SOUTHERN PINK SHRIMP (PENAEUS NOTIALIS), SOUTHERN ROUGH SHRIMP (TRACHYPENAEUS CURVIROSTRIS), SOUTHERN WHITE SHRIMP (PENAEUS SCHMITTI), BLUE SHRIMP (PENAEUS STYLIROSTRIS), WESTERN WHITE SHRIMP (PENAEUS OCCIDENTALIS), AND INDIAN WHITE PRAWN (PENAEUS INDICUS).

FROZEN SHRIMP AND PRAWNS THAT ARE PACKED WITH MARINADE, SPICES, OR SAUCE ARE INCLUDED IN THE SCOPE OF THE INVESTIGATION. IN ADDITION, FOOD PREPARATIONS, WHICH ARE NOT "PREPARED MEALS," THAT CONTAIN MORE THAN 20 PERCENT BY WEIGHT OF SHRIMP OR PRAWN ARE ALSO INCLUDED IN THE SCOPE OF THE INVESTIGATION.

EXCLUDED FROM THE SCOPE ARE (1) BREADED SHRIMP AND PRAWNS (1605.20.10.20); (2) SHRIMP AND PRAWNS GENERALLY CLASSIFIED IN THE PANDALIDAE FAMILY AND COMMONLY REFERRED TO AS COLDWATER

SHRIMP, IN ANY STATE OF PROCESSING; (3) FRESH SHRIMP AND PRAWNS WHETHER SHELL-ON OR PEELED (0306.23.00.20 AND 0306.23.00.40); (4) SHRIMP AND PRAWNS IN PREPARED MEALS (1605.20.05.10); (5) DRIED SHRIMP AND PRAWNS; 6) DUSTED SHRIMP; AND 7) BATTERED SHRIMP. DUSTED SHRIMP IS A SHRIMP-BASED PRODUCT: 1) THAT IS PRODUCED FROM FRESH (OR THAWED-FROM-FROZEN) AND PEELED SHRIMP; 2) TO WHICH A "DUSTING" LAYER OF RICE OR WHEAT FLOUR OF AT LEAST 95 PERCENT PURITY HAS BEEN APPLIED; 3) WITH THE ENTIRE SURFACE OF THE SHRIMP FLESH THOROUGHLY AND EVENLY COATED WITH THE FLOUR; 4) WITH THE NON-SHRIMP CONTENT OF THE END PRODUCT CONSTITUTING BETWEEN FOUR

AND 10 PERCENT OF THE PRODUCT'S TOTAL WEIGHT AFTER BEING DUSTED, BUT PRIOR TO BEING FROZEN; AND 5) THAT IS SUBJECTED TO IQF FREEZING IMMEDIATELY AFTER APPLICATION OF THE DUSTING LAYER. BATTERED SHRIMP IS A SHRIMP-BASED PRODUCT THAT, WHEN DUSTED IN ACCORDANCE WITH THE DEFINITION OF DUSTING ABOVE, IS COATED WITH A WET VISCOUS LAYER CONTAINING EGG AND/OR MILK, AND PAR-FRIED.

THE PRODUCTS COVERED BY THIS INVESTIGATION ARE CURRENTLY CLASSIFIED UNDER THE FOLLOWING HTSUS SUBHEADINGS:

0306.13.00.03, 0306.13.00.06, 0306.13.00.09,  
0306.13.00.12, 0306.13.00.15, 0306.13.00.18,  
0306.13.00.21, 0306.13.00.24, 0306.13.00.27,  
0306.13.00.40, 1605.20.10.10, 1605.20.10.30, AND

1605.20.10.40. THESE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES ONLY AND ARE NOT DISPOSITIVE, BUT RATHER THE WRITTEN DESCRIPTION OF THE SCOPE OF THIS INVESTIGATION IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-351-838.

4. FOR IMPORTS OF CERTAIN FROZEN AND CANNED WARMWATER SHRIMP FROM BRAZIL, CUSTOMS AND BORDER PROTECTION (CBP) SHALL CONTINUE TO SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER AUGUST 4, 2004, OR IN THE CASE OF EMPRESA DE ARMAZENAGEM FRIGORIFICA LTDA. (EMPAF) AND

MARICULTURA NETUNO SA.,AUGUST 30, 2004. EFFECTIVE DECEMBER 23, 2004, CBP SHALL REQUIRE, FOR SUCH ENTRIES, A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE MARGINS SHOWN BELOW:

MFR/PRODUCER EXPORTER	CBP ID NUMBER PERCENTAGE	MARGIN/ AD VALOREM
CENTRAL DE INDUSTRIALIZACAO E DISTRIBUICAO DE ALIMENTOS LTD.(CIDA)/ CIA EXPORTADORA DE PRODUTOS DO MAR (PRODUMAR)	A-351-838-001	9.69%
EMPRESA DE ARMAZENAGEM FRIGORIFICA LTDA (EMPAF)/ MARICULTURA NETUNO S.A. (MARICULTURA)	A-351-838-002	10.70%
NORTE PESCA S.A.	A-351-838-003	67.80%
All OTHERS	A-351-838-000	10.40%

5. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS,THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O2:RF).

6. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party